
TWO RIVERS DETENTION CENTER EXECUTIVE SUMMARY

The City of Hardin Owns the Two Rivers Detention Center

The Two Rivers Detention Center is publicly owned by the Two Rivers Authority (TRA), the lawfully established port authority for the City of Hardin. TRA and the City of Lodge Grass have entered into an inter-local agreement to operate the facility as a multijurisdictional detention center pursuant to Mont. Code Ann. § 7-32-2201.

The facility is operated under the same statutory authority as other multijurisdictional detention centers in Montana, including Yellowstone County, Cascade County, and Missoula County. The only difference is that the TRA exercised its option under Mont. Code Ann. §§ 7-32-2201(2)(b) and 7-32-2232, to operate the facility for the first two years under contract with a private correctional services firm. At the end of the two year term, TRA and the City of Hardin have the option to take over operations of the facility.

The Detention Center Was Built With the Knowledge and Support of the State DOC

In the spring of 2004, the City of Hardin attended a meeting hosted by Big Sky EDA in Billings to discuss the feasibility of constructing a new detention center in the region. DOC Director Bill Slaughter, Yellowstone County Sheriff Chuck Maxwell, and US Marshall Dwight McKay, were all in attendance. During the meeting the City expressed a desire to build a detention center in Hardin.

Prior to construction, the City received state and federal support for the project:

- On August 2, 2004, Congressman Denny Rehberg submitted a letter to the City supporting the construction of a detention center to alleviate overcrowding in other state facilities.
- In October 2004, the first feasibility study concluded that demand from local, state and federal agencies would support construction of a 300+ bed facility.
- In October 2004, representatives from the City met with DOC Director Bill Slaughter, to discuss plans for the facility. The Director advised that the DOC and US Marshall's Service were in need of additional beds.
- In June 2005, City officials met with Joe Williams, Administrator, DOC Centralized Services Division, Diana Koch, DOC Chief Legal Counsel, and Yellowstone County officials to discuss plans for the facility. The participants acknowledged that existing facilities were overcrowded, and that there was a need for additional beds.
- Throughout 2004-2005, US Marshall Dwight McKay expressed support for the facility and acknowledged that the US Marshall's Service needed additional beds.
- In January 2006, the second feasibility study concluded that demand from local, state and federal agencies would support construction of a 400+ bed facility.

- In June 2006, construction of the 464-bed detention center began in Hardin.

DOC Support for the Detention Center Declined Long After Construction Began

In September 2006, City officials met with the new DOC Director, Mike Ferriter, to update him on construction of the facility. The meeting appeared to go well. However, in January 2007, City officials met with Director Ferriter, Diana Koch, Pat Smith and Sen. Steve Gallus, and were informed the state did not recognize the City's authority to operate a regional detention center. Accordingly, the state did not recognize the facility's authority to house DOC inmates under Mont. Code Ann. § 7-32-2203(5). DOC officials suggested two possible remedies to allow the state to place inmates in the facility:

1. The City could enter into an inter-local agreement with another city or county government to operate the facility as a multijurisdictional detention center under Mont. Code Ann. 7-32-2201(2).
2. The City could introduce legislation that would allow it to operate as a publicly owned regional correctional facility under Mont. Code Ann. §53-30-501, et. seq.

The City responded with SB 545, to allow the facility to operate as a regional correctional facility under Title 53. SB 545 failed on third reading. The City also entered into an inter-local agreement with the City of Lodge Grass to operate the facility as a multijurisdictional detention center that could house DOC inmates.

Construction of the facility was complete in July 2007. To date, the DOC and the US Marshall's Service have declined to contract with the Two Rivers Detention Center to house state and federal inmates. Further, the DOC told City officials that it cannot house inmates from out-of-state. Accordingly, the City was precluded from contracting with the State of Wyoming for nearly 200 short-term beds.

The City is Challenging the Attorney General's Opinion in District Court

On December 3, 2007, the Montana Attorney General issued a final opinion precluding the City from housing out-of-state or federal inmates. TRA and the City of Hardin have filed suit in the Montana First Judicial District Court, Lewis and Clark County, asking for a declaratory judgment to allow the facility to house out-of-state and federal inmates pursuant to its authority under Mont. Code Ann. §§ 7-32-2242(1) and 2243(2), which read as follows:

- (1) Local government, state and federal law enforcement and correctional agencies may use any detention center for the confinement of arrested persons and the punishment of offenders, under conditions imposed by law and with the consent of the governing body responsible for the detention center. § 7-32-2242(1).
- (2) A government unit responsible for a detention center may contract with a government unit of another state for the confinement of lawfully committed inmates in a detention center located in either jurisdiction. § 7-32-2243(2).